

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20845

Application 30102 of Robert Mondavi Vineyards, Inc.
1358 Walnut Drive, Oakville, CA 94562

filed on April 13, 1992, has been approved by the State Water Resources Control Board
SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

Napa River

San Pablo Bay

| 2. Location of point of diversion: | 40-acre subdivision of public land survey or projection thereof | Section * | Township | Range | Base and Meridian |
|--|---|--------------|----------|-------|----------------------|
| By California Coordinate System, Zone 2 <u>DIVERSION TO OFFSTREAM STORAGE</u> North 282,500 feet and East 1,887,000 feet | NE¼ of SE¼ | 22 | 7N | 5W | MD |
| <u>OFFSTREAM STORAGE</u> Reservoir No. 2 | N½ of SE¼ | 22 | 7N | 5W | MD |
| Reservoir No. 3 | S½ of SW¼ | 21 | 7N | 5W | MD |
| Reservoir No. 4 | SE¼ of SE¼ | 27 | 7N | 5W | MD |
| | | | | | |
| | | | | | |

* projected

County of Napa

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| 3. Purpose of use: | 4. Place of use: | Section | Township | Range | Base and Meridian | Acres |
|--------------------|------------------|---------|----------|-------|-------------------|-------|
| Irrigation | NE¼ of SE¼ | 21 | 7N | 5W | MD | 15 |
| | SW¼ of SE¼ | 21 | 7N | 5W | MD | 20 |
| | SE¼ of SE¼ | 21 | 7N | 5W | MD | 30 |
| | SW¼ of NE¼ | 22 | 7N | 5W | MD | 10 |
| | NW¼ of SW¼ | 22 | 7N | 5W | MD | 10 |
| | NE¼ of SW¼ | 22 | 7N | 5W | MD | 20 |
| | SW¼ of SW¼ | 22 | 7N | 5W | MD | 5 |
| | SE¼ of SW¼ | 22 | 7N | 5W | MD | 10 |
| | NW¼ of SE¼ | 22 | 7N | 5W | MD | 30 |
| | SW¼ of SE¼ | 22 | 7N | 5W | MD | 10 |
| | NW¼ of NW¼ | 27 | 7N | 5W | MD | 15 |
| | NE¼ of NW¼ | 27 | 7N | 5W | MD | 30 |
| | SW¼ of NW¼ | 27 | 7N | 5W | MD | 25 |
| | SE¼ of NW¼ | 27 | 7N | 5W | MD | 40 |
| | NW¼ of NE¼ | 27 | 7N | 5W | MD | 2 |
| | SW¼ of NE¼ | 27 | 7N | 5W | MD | 30 |
| | SE¼ of NE¼ | 27 | 7N | 5W | MD | 2 |
| | NW¼ of SW¼ | 27 | 7N | 5W | MD | 35 |
| | NE¼ of SW¼ | 27 | 7N | 5W | MD | 15 |
| | SW¼ of SW¼ | 27 | 7N | 5W | MD | 5 |
| | SE¼ of SW¼ | 27 | 7N | 5W | MD | 20 |
| | NW¼ of SE¼ | 27 | 7N | 5W | MD | 40 |
| | NE¼ of SE¼ | 27 | 7N | 5W | MD | 20 |
| | SW¼ of SE¼ | 27 | 7N | 5W | MD | 30 |
| | SE¼ of SE¼ | 27 | 7N | 5W | MD | 20 |
| | NW¼ of NE¼ | 28 | 7N | 5W | MD | 40 |
| | NE¼ of NE¼ | 28 | 7N | 5W | MD | 18 |
| | SW¼ of NE¼ | 28 | 7N | 5W | MD | 35 |
| | SE¼ of NE¼ | 28 | 7N | 5W | MD | 28 |

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| 3. Purpose of use: | 4. Place of use: | Section | Township | Range | Base and Meridian | Acres |
|--------------------|------------------|---------|----------|-------|-------------------|-------|
| | NW¼ of SE¼ | 28 | 7N | 5W | MD | 2 |
| | NE¼ of SE¼ | 28 | 7N | 5W | MD | 30 |
| | NE¼ of NW¼ | 28 | 7N | 5W | MD | 4 |
| | SE¼ of NW¼ | 28 | 7N | 5W | MD | 5 |
| | SE¼ of SE¼ | 28 | 7N | 5W | MD | 3 |
| | NE¼ of NE¼ | 33 | 7N | 5W | MD | 10 |
| | NE¼ of NW¼ | 34 | 7N | 5W | MD | 3 |
| | NW¼ of NE¼ | 34 | 7N | 5W | MD | 25 |
| | NE¼ of NE¼ | 34 | 7N | 5W | MD | 4 |
| | SW¼ of NE¼ | 34 | 7N | 5W | MD | 4 |
| | | | | | TOTAL | 700 |

Sections 21, 22 and 27 are projected into Caymus Rancho.

The place of use is shown on map on file with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 201 acre-feet per annum to be collected from November 1 of each year to May 14 of the succeeding year. (0000005)

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose. (000005I)

The maximum rate of diversion to offstream storage shall not exceed 4.5 cubic feet per second. (000005J)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Construction work shall be prosecuted with reasonable diligence and shall be completed by December 31, 2001. (0000008)

8. Complete application of the water to the authorized use shall be made by December 31, 2005. (0000009)

9. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until a license is issued. (0000010)

10. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

11. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State

Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust. (0000012)

12. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

13. For the protection of fish and wildlife, permittee shall during the period:

- (a) from November 1 through November 14 bypass a minimum of 1.0 cubic foot per second,
- (b) from November 15 through February 29 bypass a minimum of 15.0 cubic feet per second, and
- (c) from March 1 through May 14 bypass a minimum of 10.0 cubic feet per second.

The total streamflow shall be bypassed whenever it is less than the designated amount. Streamflows shall be as measured at the nearest USGS Gaging Station on the Napa River or by a device acceptable to the State Water Resources Control Board at alternative locations which may be designated by the Watermaster administering the water distribution program. (0140060)

14. Permittee shall install a screening device, satisfactory to the California Department of Fish and Game, to screen the intake on the Napa River. Said screening device shall be in place prior to any diversions of water under this permit. (0400500)

15. In accordance with Section 1601, 1603, and/or Section 6100 of the Fish and Game Code, no work shall be started on the diversion works and no water shall be diverted under this permit until permittee has entered into a stream or lake alteration agreement with the California Department of Fish and Game and/or the Department has determined that measures to protect fishlife have been incorporated into the plans for construction of such diversion works. Construction, operation, and maintenance costs of any required facility are the responsibility of the permittee. (0000063)

16. Diversion of water between March 15 and May 15 is subject to control under a water distribution program administered by the State Water Resources Control Board or by the Department of Water Resources. Whenever such a program is in effect at the project location, permittee shall comply with the following:

- A. Diversion after March 15 is contingent upon participation in the water distribution program by permittee.
- B. Diversion after March 15 shall be solely to replenish water stored prior to March 15 unless otherwise authorized by the Watermaster in charge of the distribution program.
- C. Prior to making diversions after March 15, permittee shall install and maintain devices, satisfactory to the Watermaster, which are capable of measuring the instantaneous rate of diversion and the total amount of water diverted during participation in the distribution program.
- D. Permittee's participation in any water distribution program required under the terms of this permit shall be evidenced by returning the information sheet distributed prior to the frost season and paying costs as apportioned at the end of the season.
- E. The water distribution program required under this permit may be revised periodically by the State Water Resources Control Board provided that the program shall be substantially consistent with terms of any water distribution program imposed on similarly situated users by the Napa County Superior Court. (0000085)

17. The total quantity of water diverted under this permit, together with that diverted under the permits issued pursuant to Applications 30103 and 30104, shall not exceed 250 acre-feet per annum. (0000114)

18. This permit is specifically subject to the prior right of Heublein, Inc. under appropriation issued pursuant to Applications 23887 and 23888. (0160800)

19. No project related work shall begin or water diverted under this permit until permittee has submitted to the Chief of the Division of Water Rights an erosion control plan that is in compliance with the Napa County Zoning Ordinance (Chapter 18.108) or any grading permit issued by Napa County. (0400500)

20. The location of proposed Reservoir No. 4 shall be moved to avoid impacting archeological site CA-NAP-179 (Identified in the document "An Archeological Survey of Robert Mondovi Vineyards to-Kalon Vineyard, Oakville, Napa County, California"). The new location for Reservoir No. 4 shall be selected to avoid impacting any other cultural resources identified in the above noted document. The proposed pipeline that crossed the archeological site identified in the above noted report as "The Tennis Court Site" shall be re-routed to avoid impacting that resource. Future developments at the location of archeological sites CA-NAP-179 and the "Tennis Court Site" may be permitted following the completion of a mitigation program approved by the Chief of the Division of Water Rights. Should any buried archeological materials be uncovered during project activities, such activities shall cease within 100 feet of the discovery. The Chief of the Division of Water Rights shall be notified of the discovery and a professional archeologist shall be retained by the applicant to evaluate the findings and recommend appropriate mitigation. The suspended construction activities shall resume only after the completion of the recommended mitigation, subject to the approval of the Chief of the Division of Water Rights. All costs required for necessary archeological evaluation, testing, and mitigation will be the responsibility of the applicant. (0380500)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated June 10, 1996

STATE WATER RESOURCES CONTROL BOARD

Roger Johnson
Chief, Division of Water Rights